

REMARKS

In response to the Amendment filed June 18, 2003, the Examiner maintained the previous claim rejection.

Claims 2-22 are pending in the application, including claims 19-22 which were added by the June 18 Amendment.

Claims 19 and 21 are allowed.

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2-17, 20, and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by previously-cited Hashizume et al. (US 5,592,258, hereafter "Hashizume"). Applicant respectfully traverses the claim rejection with the following comments.

In the "Response to the Arguments," the Examiner asserts that Hashizume discloses a mask opening, which is extending in a direction of film 2 (FIG. 1). However, even if the Examiner's assertion is correct, the reference still fails to teach or suggest all of the limitations of claim 2. Specifically, claim 2 recites that the mask opening is a mask slit extending in a width direction of the photo film. By contrast, Hashizume discloses only a mask opening 31a, not a mask slit, which extends in a length direction of the film, not a width direction. See FIGS. 18 and 20. Thus, Hashizume's disclosure directly conflicts with these features of claim 2. Therefore, claim 2 and its dependent claims 3-18 are not anticipated by Hashizume for the above-noted reasons, as well as the reasons described in the Amendment filed June 18, 2003.

The foregoing arguments regarding claim 2 are applicable even without the present amendments to claim 2. Therefore, even if the changes are not entered, the claim should be patentable for the reasons stated.

Furthermore, in Hashizume the film stands still when the area image sensor reads to film, because an operator checks the frame through the mask opening 31a. By contrast, claims 2 and 20 of the present invention recite an image sensor for reading the image being illuminated when the photo film is being fed. Therefore, claim 2 and its dependent claims 3-18 are not anticipated by Hashizume for this additional reason.

With respect to claim 4, Applicant submits that Hashizume does not teach or suggest the limitations of the claim. The Examiner asserts (Office Action, page 11) that image sensor 51 reads line by line, but there is no support for this assertion in the reference. The Examiner's assertion is simply unsupported speculation. The Examiner's own rebuttal acknowledges that the sensor can be an area sensor in which case line-by-line reading is not a necessary result. The features of claim 4 are not inherent or required in the cited art. Hence, Applicant submits that claim 4 is allowable for this reason also.

Claim 5 recites a protrusion portion disposed on the mask member to extend in a width direction of the photo film, provided with the mask slit formed in a middle thereof, for flexing the photo film in the longitudinal direction to remove flexing in the width direction. Applicant submits that Hashizume does not teach or suggest the claimed protrusion portion. The Examiner contends that the press rollers 89a-89e of FIG. 3 correspond to the claimed protrusion portion, but Applicant disagrees. The press rollers are for transporting the film through the device of the

reference. See col. 15, lines 22-25. Thus, the press rollers do not have the same function as the protrusion portion of claim 5, despite the Examiner's assertion to the contrary. Since rollers 89a-89e are used for conveyance, there would be no motivation to introduce flexing into the film in the longitudinal direction. The introduction of flexing would indicate lack of transport of the film which directly contradicts the disclosed function of the rollers 89a-89e in the references. The modification suggested by the Examiner cannot be correct. Furthermore, Hashizume does not disclose the structure of the claimed protrusion portion, and the Examiner has not pointed to any part of the reference, which allegedly discloses a protrusion portion. Hence, claim 5 is allowable over the reference for this reason too.

Also, Hashizume fails to disclose the cylindrical ridge claimed in claim 8. Again, the Examiner points to the pressing rollers 89a-89e, but the pressing rollers 89a-89e do not correspond to the protrusion portion. Moreover, Hashizume does not disclose a cylindrical ridge, and the Examiner has not identified such a feature in the reference. Hence, claim 8 is not anticipated by Hashizume.

Regarding claim 10, the Examiner asserts in the "Response to the Arguments" that one of ordinary skill in the art would consider the retaining to be a magnetic attraction for retention of a retainer member. However, the Examiner has provided no support for this assertion. Additionally, there is no teaching or suggestion in the reference of providing retention by magnetic attraction. The Examiner's rebuttal, at best, only suggests that magnetism "could be" used to retain elements of the invention. Such probabalistic statements regarding teachings in the prior art cannot support an anticipation rejection. In re Robertson, 49 U.S.P.Q.2d 1949, 1251

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(Fed. Cir 1999). Thus, Applicant submits that the rejection of claim 10 is improper, and claim 10 is not anticipated by the reference.

Applicant submits that claim 20 is not anticipated for reasons analogous to those presented above for claims 2 and 5.

With regard to claim 22, Applicant submits that this claim should be indicated as being allowed, since claim 22 depends from claim 21, which is allowed. In other words, the rejection of dependent claim 22 is improper, since independent claim 21 is allowed.

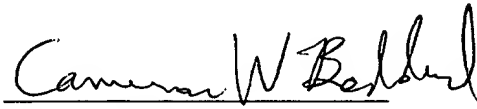
Furthermore, the foregoing arguments for claims 4, 5, 8, 10, and 20 are applicable even without the present amendments to claim 2. Therefore, even if the changes are not entered, the claims should be patentable for the reasons stated.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



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